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Paper 24
Entered: 17 April 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

TIMOTHY W. LOVENBERG,
AND WAI-PING LEUNG
Junior Party
(Patent 7,151,200),

v.

HIDEHITO KOTANI,
KAZUHIKO TAKAHASHI, AND
HIROAKI SUWA,
Senior Party
(Application 10/482,464)

Patent Interference No. 105,663
(Technology Center 1600)

Before SALLY GARNER LANE, SALLY C. MEDLEY, and MICHAEL P. TIERNEY,
Administrative Patent Judges.

LANE, *Administrative Patent Judge.*

Judgment— Merits – Bd. R. 127

1 Priority statements were due to be filed on 14 April 2009. (Stipulated Extension of
2 Time, Paper 19 at Appendix). Senior party Kotani filed a priority statement. (Paper 21).
3 Junior party Lovenberg did not file a priority statement.¹

4 When a junior party does not file a priority statement and does not provide
5 sufficient reason for failing to do so, it is appropriate to enter judgment against it.
6 Bd. R. 204(a) (3).

7 It is

8 ORDERED that judgment on priority as to Count 1 (Paper 1 at 4), the sole
9 count of the interference, is entered against junior party Lovenberg;

10 FURTHER ORDERED that claims 1-3 of Lovenberg patent 7,151,200,
11 which claims correspond to Count 1 (Paper 1 at 4), be CANCELLED, 35 USC § 135(a);

12 FURTHER ORDERED that a copy of this judgment shall be entered into
13 the administrative record of Lovenberg patent 7,151,200 and Kotani application
14 10/482,464; and

15 FURTHER ORDERED that the Kotani priority statement (Paper 21) be
16 expunged from the record.

¹ By agreement, the parties did not seek authorization to file any non-priority motions. (Order-Priority Times, Paper 17 at 1). The parties have filed a settlement agreement. (Submission of Settlement

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